

SENATE BILL No. 367

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-12; IC 11-13-3-4; IC 35-38-2-2.5.

Synopsis: Sex offender registry. Requires that the sex and violent offender registry publish the address and a recent photograph of a sex offender. Provides that a local law enforcement agency with an Internet site must include a link to a photograph of any sex offender in the agency's jurisdiction. Requires a local law enforcement agency to ask local periodicals and television stations to publish or broadcast pictures of local sex offenders. Prohibits a sex offender on probation or parole from residing within one mile of the victim's home. Provides that the victim's address is confidential.

Effective: July 1, 2002.

Long, Bray, Alexa

January 8, 2002, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 367

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-12-5, AS AMENDED BY P.L.238-2001,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 5. (a) Subject to section 13 of this chapter, the
4 following persons must register under this chapter:

5 (1) A sex and violent offender who resides or intends to reside for
6 more than seven (7) days in Indiana.

7 (2) A sex and violent offender not described in subdivision (1)
8 who works or carries on a vocation or intends to work or carry on
9 a vocation full-time or part-time for a period of time:

10 (A) exceeding fourteen (14) consecutive days; or

11 (B) for an aggregate period of time exceeding thirty (30) days;
12 during any calendar year in Indiana, whether the offender is
13 financially compensated, volunteered, or is acting for the purpose
14 of government or educational benefit.

15 (3) A sex and violent offender not described in subdivision (1)
16 who is enrolled or intends to be enrolled on a full-time or
17 part-time basis in any public or private educational institution,



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including any secondary school, trade, or professional institution,
or institution of higher education in Indiana.

(b) A sex and violent offender who resides or intends to reside in
Indiana shall register with each local law enforcement authority having
jurisdiction in the area where the sex and violent offender resides or
intends to reside.

(c) A sex and violent offender described in subsection (a)(2) shall
register with the local law enforcement authority having jurisdiction in
the principal area where the sex and violent offender is or intends to be
employed or carry on a vocation.

(d) A sex and violent offender described in subsection (a)(3) shall
register with the local law enforcement authority having jurisdiction in
the principal area where the sex and violent offender is enrolled or
intends to be enrolled as a student.

(e) A sex and violent offender shall register on a form or in the form
prescribed or approved by the institute. Each local law enforcement
authority shall make the required forms available to registrants.

(f) The sex and violent offender shall register not more than seven
(7) days after the sex and violent offender arrives at the place where the
sex and violent offender is required to register under subsection (b),
(c), or (d).

(g) Whenever a sex and violent offender registers with a local law
enforcement authority, the local law enforcement agency shall
immediately notify the institute of the sex and violent offender's
registration on a form or in the form prescribed or approved by the
institute.

**(h) A local law enforcement authority shall publish a
photograph of a sex and violent offender on an Internet site that is
maintained by or for the local law enforcement authority.**

(i) A local law enforcement authority shall notify:

**(1) a newspaper or other periodical of general circulation that
is published within the jurisdiction of the local law
enforcement authority; and**

**(2) a television station that broadcasts within the jurisdiction
of the local law enforcement authority;**

**regarding each sex and violent offender who resides within the
jurisdiction of the local law enforcement authority. In the notice,
the local law enforcement authority must request that the
newspaper or periodical and the television station publish or
televise a photograph of the sex and violent offender.**

SECTION 2. IC 5-2-12-6, AS AMENDED BY P.L.238-2001,
SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2002]: Sec. 6. The registration required under this chapter must include the following information:

(1) The sex and violent offender's full name, alias, date of birth, sex, race, height, weight, eye color, Social Security number, driver's license number, and home address.

(2) A description of the offense for which the sex and violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 5(a)(2) or 5(a)(3) of this chapter, the name and address of each of the sex and violent offender's employers in Indiana, the name and address of each campus or location where the sex and violent offender is enrolled in school in Indiana, and the address where the sex and violent offender stays or intends to stay overnight in Indiana for more than seven (7) days.

(4) **A recent photograph of the sex and violent offender.**

(5) Any other information required by the institute.

SECTION 3. IC 5-2-12-11, AS AMENDED BY P.L.238-2001, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) The institute shall make the sex and violent offender registry available on a computer disk. Each time the registry is updated under section 10 of this chapter, the institute shall send one (1) paper copy of the sex and violent offender registry to:

(1) all school corporations (as defined in IC 20-1-6-1);

(2) all nonpublic schools (as defined in IC 20-10.1-1-3);

(3) a state agency that licenses individuals who work with children;

(4) the state personnel department to screen individuals who may be hired to work with children;

(5) all child care facilities licensed by or registered in the state of Indiana; and

(6) other entities that:

(A) provide services to children; and

(B) request the registry.

(b) The institute shall publish the sex and violent offender registry on the Internet through the computer gateway administered by the intelenet commission under IC 5-21-2 and known as Access Indiana.

(c) A copy of the sex and violent offender registry provided:

(1) on a computer disk;

(2) on the Internet; or

(3) to an entity under subsection (a)(5) or (a)(6) or published



1 ~~under subsection (b) may not (a);~~
 2 **must include a recent photograph and** the home address of a sex and
 3 violent offender whose name appears in the registry.

4 SECTION 4. IC 11-13-3-4, AS AMENDED BY P.L.238-2001,
 5 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2002]: Sec. 4. (a) A condition to remaining on parole is that
 7 the parolee not commit a crime during the period of parole.

8 (b) The parole board may also adopt, under IC 4-22-2, additional
 9 conditions to remaining on parole and require a parolee to satisfy one
 10 (1) or more of these conditions. These conditions must be reasonably
 11 related to the parolee's successful reintegration into the community and
 12 not unduly restrictive of a fundamental right.

13 (c) If a person is released on parole the parolee shall be given a
 14 written statement of the conditions of parole. Signed copies of this
 15 statement shall be:

- 16 (1) retained by the parolee;
- 17 (2) forwarded to any person charged with the parolee's
- 18 supervision; and
- 19 (3) placed in the parolee's master file.

20 (d) The parole board may modify parole conditions if the parolee
 21 receives notice of that action and had ten (10) days after receipt of the
 22 notice to express the parolee's views on the proposed modification.
 23 This subsection does not apply to modification of parole conditions
 24 after a revocation proceeding under section 10 of this chapter.

25 (e) As a condition of parole, the parole board may require the
 26 parolee to reside in a particular parole area. In determining a parolee's
 27 residence requirement, the parole board shall:

- 28 (1) consider:
 - 29 (A) the residence of the parolee prior to the parolee's
 - 30 incarceration; and
 - 31 (B) the parolee's place of employment; and
- 32 (2) assign the parolee to reside in the county where the parolee
- 33 resided prior to the parolee's incarceration unless assignment on
- 34 this basis would be detrimental to the parolee's successful
- 35 reintegration into the community.

36 (f) As a condition of parole, the parole board may require the
 37 parolee to:

- 38 (1) periodically undergo a laboratory chemical test (as defined in
- 39 IC 14-15-8-1) or series of tests to detect and confirm the presence
- 40 of a controlled substance (as defined in IC 35-48-1-9); and
- 41 (2) have the results of any test under this subsection reported to
- 42 the parole board by the laboratory.

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The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex and violent offender (as defined in IC 5-2-12-4) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is a sex and violent offender (as defined in IC 5-2-12-4) to register with a local law enforcement authority under IC 5-2-12-5; ~~and~~

(B) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the offender obtains written approval from the parole board; ~~and~~

(C) prohibit a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the offender's sex offense unless the offender obtains a waiver under IC 35-38-2-2.5.

If the parole board allows the offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the offender's residence of the order.

(h) The address of the victim of a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the offender obtains a waiver under IC 35-38-2-2.5.

SECTION 5. IC 35-38-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).



- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a Class A or Class B felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:

(A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or

(B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense unless the offender first obtains a waiver from the:

(1) court, if the offender is placed on probation; or

(2) parole board, if the offender is placed on parole;

for the change of address under subsection (f).

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

(1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;

(2) the offender is in compliance with all terms of the offender's probation or parole; and

(3) good cause exists to allow the offender to reside within one

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1 (1) mile of the residence of the victim of the offender's sex
2 offense.

3 (g) If the court or parole board grants a waiver under
4 subsection (f), the court or parole board shall state in writing the
5 reasons for granting the waiver. The court's written statement of
6 its reasons shall be incorporated into the record.

7 (h) The address of the victim of the offender's sex offense is
8 confidential even if the court or parole board grants a waiver
9 under subsection (f).

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